THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20818 OF 2005

DATED 06.10.2005

Between

Smt. Kanti Reddy Lalitha W/o Kanna Babu and others.

…Petitioners

and

The Mandal Revenue Officer, Visakhapatnam Rural,

Visakhapatnam and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20818 OF 2005

ORDER:

The petitioners herein claimed to be in occupation of house sites bearing plot Nos.1 to 4, 7, 9, 0, 24 to 27, 30, 31, 34 to 36, 42 to 44 and 48 in Survey No.304 of Madhurawada, Visakhapatnam District. They allege that the Mandal Revenue Officer granted pattas to them in respect of house sites admeasuring 60 square yards in 1997. They also allege that they raised thatched sheds and are living in the site. It is their case that on 13.09.2005 and 19.09.2005, the first respondent along with his staff visited the area and tried to demolish constructions with bulldozers. The petitioners contend that without initiating any action under the provisions of A.P.Land Encroachment Act, 1905, the petitioners cannot be evicted forcefully without such due process of law. They, therefore, seek direction to respondents not to evict the petitioners without due process of law.

At the stage of admission itself, the learned Assistant Government Pleader obtained instructions from the Mandal Revenue Officer, Visakhapatnam (Rural). He submits that the land in Survey No.304 admeasuring Acs.5.32 at Madhurawada village was declared surplus land under A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The said land was assigned as house site pattas in 1998 to 103 eligible beneficiaries by Mandal Revenue Officer. As per the list approved by Revenue Divisional Officer, Visakhapatnam, the plots which are claimed by the petitioners herein were allotted to twenty other persons and not to the petitioners. Majority of the beneficiaries who were allotted house sites did not construct houses and therefore the first respondent passed orders in R.C.No.343/97/Spl.RI, dated 25.03.2002 cancelling the pattas and resumed possession under panchanama dated 26.04.2002. The learned standing counsel vehemently contends that the petitioners are not either in possession of the properties and they are not given pattas by Mandal Revenue Oficer.

Petitioners have filed Xerox copies of the pattas allegedly granted to them. However, as per the submission made by the learned counsel for petitioners, the petitioners are not granted any pattas. Further, the petitioners have not placed any material before this Court to show that they are in possession of the property. Therefore, the question cannot be decided in this writ petition. If so aggrieved, the petitioners may approach the Mandal Revenue Officer and obtain copies of the proceedings cancelling the assignment and agitate the matter before appropriate revenue authorities. In this writ petition, no relief can be granted to the petitioners.

The writ petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO,J)

06.10.2005.

pln